

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,
v.

Case No. 18-CR-154

VAN MAYES,

Defendant.

SENTENCING MEMORANDUM

The following is provided to the court to assist in fashioning a sentence which is "sufficient, but not greater than necessary," to effectuate the objectives of justice. (18 U.S.C. 3553)

Van Mayes emerged from an upbringing steeped in chaos and dysfunction to become one of Milwaukee's most influential community activists. Van was born in Milwaukee, but moved to Greenwood, Mississippi when he was four so that he could be raised by his great uncle. He moved from Milwaukee because his mother did not have a stable residence where she could raise her children. Van was sent to Mississippi and his brothers and

sisters were sent to other cities. There, family dynamics were both positive and negative. As he grew from a small child until age 15, he was subjected to the verbal and physical abuse of his great uncle's wife. He resided with the couple's own son, who was treated in a dramatically more favorable way than was Van. The couple's son was the subject of bullying and Van became his protector. Van was enrolled in both private school and public school where he earned excellent grades, despite the violence and difficulties created by his great aunt. During this time, Van lived away from his siblings.

Eventually, Van's great uncle and aunt divorced and Van was sent back to Milwaukee, where the plan was for him to be reunited with his mother. That never came to fruition because his mother was still without a stable residence. He was instead sent to live with his grandmother with whom he remained for a few months. However, in short order, he began a course of itinerant housing. Van lived on the streets, essentially homeless, relying upon the kindness of friends and distant relatives. His evenings were spent on porches, in basements and in any other location where someone would allow him refuge.

Van began to associate with friends who were similarly situated. At one point, he was caught riding in vehicles which

had been stolen by his friends. These police contacts resulted in referrals to children's court. From age 15 until age 18, he lived either in the streets or in the group homes which had been court ordered. It is noteworthy that Van's involvement in the juvenile system was limited to being a passenger in stolen vehicles and as such, Van was never sent to Whales or Lincoln Hills.

For Van's entire life, his father was a non-factor. His dad was in and out of prison for robbery and other criminal offenses. The two essentially remained estranged with the exception of an occasional phone call or letter. Unquestionably, Van's father was not a positive factor in his development, nor was he a role model. When Van lived in Mississippi, he worked for his great uncle at a car lot and did chores for the household. When he returned to Milwaukee, he obtained a janitorial job at the Hillside Resource Center, at which he worked until age 18. He also was employed, on a seasonal basis, for a lawn care service. From age 15 to age 18, Van supported himself while also relying upon the resources of the group home.

When Van returned to Milwaukee, he attended several high schools, including North Division, Project Excel and King. Ultimately, he received his high school diploma, on time, in 2007, from Project Stay. After high school, Van returned to

Mississippi where he again worked at his great uncle's car dealership. He managed the car lot, performed mechanical services and provided security work for the business. While Van was in Mississippi, on this second occasion, he was on probation from the state of Wisconsin. As an 18 year old, in 2005, he had been convicted of operating without owner's consent and had been placed on supervision.

After a year and a half, Van returned to Wisconsin. He began a relationship with a woman with whom he had three children. They are now 17, 15 and 14 years old. His 15 year old son has been living with him in Milwaukee for the last two years. The other two children reside in North Carolina with their mother. Van keeps in constant contact with the two out of state children by phone, during summer vacations, some weekends and holidays. Van is solely responsible for the care of the child who currently resides with him.

The relationship with the mother of his children was fraught with problems, most of which were precipitated by her. She would make unsubstantiated accusations to Van's probation agent alleging that he had engaged in various violations. The majority of these claims were founded in little or no truth. Eventually, Van's supervision was revoked and he was sent to prison for 18

months. When he was released, he successfully completed his extended supervision. Of further note, is that when he returned to Wisconsin from Mississippi, his supervision would have been deemed completed, but fees and restitution had not been paid. Van did secure those funds which were placed in an account. However, the money was never transferred to the Department of Corrections. He was therefore deemed to be noncompliant and his probation was extended. It is clear that Van's incarceration would never had been ordered had the fees been transferred by the probation department, because the claimed violations involving his children's mother occurred during the extension period. This singular conviction is the only criminal blot against his record.

Prison can produce multiple consequences and can be impactful in a number of ways, many of which are negative. However, in Van Mayes' case, his involvement in the justice system and the process of incarceration was transformational. He watched as he became embroiled in an administrative snafu and false allegations and unwarranted imprisonment. As he served his sentence, and upon release, these injustices generated inspiration to fight back.

Initially, Van began to pay attention to demonstrations throughout the country which were in protest of police

misconduct, discriminatory treatment and racial inequality. He traveled to different cities to attend protests designed to bring attention to these issues. His initial period of social activism was as an observer. However, Van soon realized that there was much more that could be done and should be done proactively. He began to meet with other leaders in Milwaukee to learn about the etiology of community and racial problems, as well as efforts that were being expended to address them. He began to organize his own protests and acquire the skills needed to make effective public statements. He acquired experience which allowed him to assist community activists in other cities. He was able to share his own experiences with these individuals and clearly made an impact on the effectiveness of their own efforts.

The next phase of Van's development evolved from a realization that there were ways of addressing social inequalities in addition to, and more effectively than, protests. It was from that appreciation that Comforce became reality. Comforce was an organizational entity which was designed to provide affirmative efforts to stop community inequities. It had a dual objective of disrupting the cycle of violence and reestablishing the safety of the community. Van, Comforce and it's associates began and to engage in wide ranging activities,

both in Milwaukee, and in other communities throughout the country. The following is only a sample of the activities in which Comforce initially began to engage:

- When Van worked at the 8th Street B.P. gas station, he saw that the business was being targeted/harassed by the police. He began filming the officer's activities and contacted the department to share his recordings. Van was able to act as a middleman and to effectuate an end to the police interference.
- On many nights, Van, acting alone, would conduct a community patrol. During the evening, he would watch if police engaged in inappropriate or discriminatory behavior and would, in fact, intervene if he thought that the incidents would escalate into an act of violence.
- Van and Comforce would organize protests to address current issues which reflected racial and/or police inequities.
- Van began recording clips of protests to show them in a different light instead of being portrayed exclusively in a negative fashion.
- Van went to Flint, Michigan during the water poison crisis and handed out, door to door, water and

informational materials.

As Van transition from being a participant in protests to a community activist, he realized that there was much to do within his own community. It did not take long to realize that the Sherman Park area, in which he resided, was a magnet for problems of all sorts. The park itself was a large structure-less area, with the exception of this facility which housed the Boys and Girls Club. The Club serviced a limited amount of children, but the park itself was a meeting point for hundreds of neighborhood children who could not afford to attend the Club and whose families were in significant states of disarray.

The children came to Sherman Park where there was no structure, but unlimited opportunity for undisciplined behavior. The park became a target of law enforcement, who believed that it was a hot bed of unrest. There were acts of violence and law enforcement harassment. When Van observed that hundreds of children were in the park 10-16 hours a day with no services, resources or supervision, he decided to intervene. Sherman Park had become a meeting point for which children all over the city who tended to gravitate. It therefore created a potential for enormous problems, as well as potential success.

In response, Van created "Program the Parks." With no money

and only contributions from friends and associates, he began to provide food, mentorship, leadership, supervision, opportunity and safety for children of all ages. In the summer of 2016, all day long Van was in the park, grilling and providing food to anyone who attended.

As the days progressed, more and more children arrived and he realized this was a golden opportunity to provide structure for their lives. Through social media, Van solicited money and resources which allowed him to initiate day long activities. Activities included games, storytelling, job preparation, arts and crafts, gardening and tumbling. There were pop-up concerts by musicians and lessons in different arts and musical instruments. Soon the children had a safe place where they could fill their days with positive activities, receive general nutrition and have supervision all of which generally precluded inappropriate interaction with law enforcement. The program was a tremendous success to such an extent that it partnered with Pastor Campbell who allowed the project to continue at one of his church's buildings during the winter and during inclement weather. Program the Parks served as many as 300 children a day. Their presence also served a secondary purpose: to give their parents the solace that their children were in a safe place.

Today, Comforce is a wide ranging organization with different divisions and different objectives. It has been funded by a subcontracted grant through the city of Milwaukee for the last two to three years. Comforce recently received a significant national grant from the COALITION TO ADVANCE PUBLIC SAFETY. It is a violence prevention grant which is designed to strengthen Comforce's capacity. HEALTH ALLIANCE FOR VIOLENCE INTERVENTION will oversee the grant. It will allow the organization to expand, meet payroll and compete against much larger community advocacy programs. Comforce has also received grants from Voting Voices for voting promotion and protection and civic engagement. The objective of this is to maximize access to the polls and to protect voting rights. Comforce has also received national disaster relief grants as well as other funding for its "lock-ins" and Juneteenth events. It received funds from the Greater Milwaukee Foundation for Covid relief. This money allowed Comforce members to take information, masks, sanitizing materials and gloves to local residents during the pandemic.

Van, Comforce and it's members engage in daily activities to promote the safety and security of Milwaukee and to address the adversities which emanate from financial and housing hardship. The following, again, provide a mere sample of the engagement of

the program:

- Van joined with Pastor Campbell, who allowed the organization to utilize his facilities at a building, which is owned by the church. The program serves between 80 and 300 children, six days a week, by providing wide ranging educational and entertainment opportunities. Van ensures that the children can attend by providing transportation to and from the church building. He has enlisted the assistance of parents, who volunteer their services. The programs include Karate and Mixed Martial Arts lessons; assistance with homework; a single parent's club, which provides diapers, free clothes and breast pumps; a room which holds free standing games and activities; a music studio; barber; hair styling; hygiene lessons; a meal program; tutoring; and media training. Van also designed and created a project called "Locked In." As a result of the violent shooting relating to the Bucks championship near the Fiserv, it became apparent that there was a need for a night time program where children could go to avoid the violence of the streets and instability of their own homes. On different nights and at different locations, there is a

safe space, which has been created through the auspices of Comforce, where children can come all night to have food, activities and friendship. The "Locked In" program uses space provided through partnerships with other organizations throughout Milwaukee.

- Comforce also engages in investigative efforts. Through social media, it serves as a resource if there is a "call for service." Strangers or community members will contact Van or members of Comforce if there is an incident which has not been addressed by law enforcement, or which can be better defused by non law enforcement community activists. By example, if there is a missing person who law enforcement has not sufficiently investigated, Comforce may become involved. Community members may call Comforce for wellness checks for family members or others. Members of Comforce are called to de-escalate potential domestic and other violence. There are occasions in which a call is made expressing concern about the well-being of a family member who has been subjected to physical or other violence and may not be in a safe position. Van and his team will assist in taking the individual to a safe

location or can refer the individual to other resources within the community. This has been a highly successful part of the Comforce program.

- Comforce members engage in poll work, often partnering with "Wisconsin Voices" or "All Voting is Local." The objective of this work is to maximize access to polls and to educate the community about voting rights. They have also provided security work in voting related events and act as observers to determine if there has been any impropriety during the voting process.
- Comforce engages in legislative and policy work. Van works with the Common Counsel on budgetary and school board issues. He has started campaigns to promote new and innovative policies for municipal programs. On one occasion, Van advocated for significant change in the Standard Operating Procedures for the Milwaukee Police Department. Van has coordinated with elected officials to modify or introduce new policies, procedures or programs for student safety. He often attends public meetings regarding these issues or will provide written submissions.
- On occasion, Comforce members will assist in locating

homeless and emergency shelters for individuals in need.

For a period of time, Comforce raised money to put people in hotels until there was a shelter opening.

- One of the team members is a trained Narcan administrator, who if called, will assist in an overdose situation.
- There are occasions in which Comforce will assist families who have lost members due to violence, with their burial services.
- Van and Comforce members maintain a natural disaster relief division. They have traveled to Mississippi, Arkansas, Louisiana and Texas for hurricane, tornado and freezing conditions, which devastated communities in these states. Upon arrival, Van will coordinate with community organizers or elected officials to determine where and how to collaborate in distributing food, water, clothes, hygiene products, building materials, toys, groceries and postnatal necessities. He often encourages young people in Milwaukee to travel to these locations so they can participate in the disaster relief.
- Comforce has an annual Christmas "giveaway" whereby Van

and the members of his team will arrive at the homes of people unannounced and give gifts to residents. This project has been ongoing for 11 years. The funds to purchase the items are from donation given in response to a social media campaign. All walks of life and businesses donate. Thousands of dollars have been raised for this project.

- Comforce, through Van's direction, has created Dream Team United Wisconsin Incorporated. This entity has regular or bimonthly pop-up pantries across the city. The organization is made up of different partnerships which contribute funds, materials and food to support these events. Van is on the Board and is actively engaged in the different pantries. The objective is to create the pop-ups around the city, at different locations, with no need restrictions so that more people can be served.

Van's dedication to his community and consistent altruism has not gone unrecognized. Governmental authorities; businesses; nonprofit organizations; law enforcement; the media; and the community at large have recognized Van as one of the outstanding and impactful voices of Milwaukee. These are exemplified by the

following:

- In 2023, Van received a medallion of recognition from the Milwaukee Fire Department Chief which is normally reserved for fire fighters who have done something exceptional in the line of duty; Do Good, Be Good Award: "I am not here for me, I am here for we and we are here for them."
- In two different locations, artists have erected city-scape murals which honor local heroes, activists and social justice leaders. Van is one of those who has been honored.
- Van received an award recognizing his contribution to the Running Rebels. This program is dedicated to assisting youth in the Milwaukee community.
- Van has received several honorary awards from "Wisconsin Voices."
- Van has received an honorary award for community leadership and service by the Community Agriculture Growing Experience.
- Van received the Milwaukee Centennial OMG Award for entrepreneurs, small businesses and community activists.
- In 2023 Van was awarded the Thriver Accommodation as the

founder of Comforce and specifically for work which was centered on preventing domestic violence.

- In 2022 Van was presented with the Black Excellence Award in recognition of his contributions to the safety and security of the community.
- In 2016 Van was given the Eric Von Memorial Black Male Achievement Recognition Award for his activism and community organizations efforts.
- Van has often been invited to be a panel member with city officials, state representatives and members of the judiciary to discuss social policy issues. Some of the considerations center around pardons, expungements and prison reform, while other address timely concerns in Milwaukee. Van is often the "go-to" person for comments on behalf of the community. The media regularly seeks Van out for contributions which reflect community views and opinions.
- Van is often invited for open events which promote different community initiatives. On those occasions, his input is sought to assist in formulating resolution to common, local problems.
- For several years, Van produced a weekly activist and

advocacy podcast which addressed civic based and community based issues.

- Van has been recognized as Activist of the Year on two occasions, as well as in 2024, by Milwaukee Magazine.

Virtually each one of the 104 defense exhibits previously submitted to the court provide a pictorial chronology of Van Mayes' accomplishments and community activism.

It is abundantly clear from the information provided in this instant memorandum that Milwaukee, Wisconsin is a safer and more stable community than it would be in Van Mayes' absence. He has filled the void, which had been present in this community: an advocate for equality, security and peaceful coexistence with law enforcement. Through his efforts, countless children's lives have been enriched. The wide ranging efforts that Van, Comforce and Program the Parks have expended, have reaped amazing results. Unquestionably, his goal to better the community will continue and increase. Van emerged from a childhood of discord and disharmony to the life which he shares and enjoys today. He is a man of genuine good character, unparalleled sincerity and ceaseless energy. He is a person of whom Milwaukee can be rightfully proud and can look to in the never-ending quest for security, productive public discourse and the enrichment of our

children.

The offense conduct for which Van was indicted purportedly occurred in August of 2016. He was not indicted until July of 2018. He has been supervised by pre-trial services for the past six and a half years with flawless compliance. He was also not involved in any illegal activities in the two years between the alleged offense and the time the charges were issued. During Van's 37 years, he has suffered one single criminal conviction, that when he was 18 years old, in 2005.

The manner in which he has comported himself over the years, both before and after the incident, clearly demonstrates that the charged offense was an anomaly. It is hoped that the lynchpin for the resolution of this case will be the contributions that he has given to this community, rather than an incident in the distant past. The prognosis for Van Mayes' success is extraordinarily positive. That prediction is justifiably supported by his own assessment of the case and his own personal journey; "I'm just more focused on the growth I've had from now. That transition has been a long way. I can see for this particular charge, I do understand I've had to understand people cling to my every word. I have to be extremely careful with the things that I say and the things that I do, because you can't control how words influence

people. I'm more conscious and intentional about what I say and do. It's one thing to be poor, but to be an adult and doing the actual work, but not getting a dime for it, caused me to be homeless. This case has changed everything in my life, from people not liking me, or cops trying to arrest me and target me, trust issues, safety concerns, causing extreme relationship issues."

CONCLUSION

Upon the foregoing, it is respectfully requested that the court impose the joint disposition recommended by the parties for credit for time served and with no further supervised release requirement.

Dated at Milwaukee, Wisconsin this 27th day of December, 2024.

Respectfully submitted,

/s/ Robert G. LeBell

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